

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CARLOS JOSE PAGAN SAN MIGUEL	§	
VS.	§	CIVIL ACTION NO. 1:03cv286
R.D. MILES	§	

MEMORANDUM OPINION

Carlos Jose Pagan San Miguel, proceeding *pro se*, filed the above-styled civil rights lawsuit.

Discussion

Pending before the court is a motion to dismiss filed by the defendants. The defendants state the case should be dismissed for want of prosecution because plaintiff has been released from prison and has not provided the court with a new address. The website operated by the Bureau of Prisons confirms that plaintiff has been released.

Federal Rule of Civil Procedure 41(b) authorizes the district court to dismiss an action for want of prosecution *sua sponte* whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*, 617 F.2d 1164, 1167 (5th Cir. 1980). *See also McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). The orderly and expeditious disposition of cases requires that if a litigant's address changes, he has a duty to inform the court of the change. *Shannon v. State of Louisiana*, 1988 WL 54768, No. 87-3951 (E.D. La. May 23, 1988); *see also Carey v. King*, 856 F.2d 1439 (9th Cir. 1988) (*per curiam*) (*pro se* plaintiff's case dismissed for failure to prosecute when he failed to keep the court apprised of his current address). The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the court and appellate review is confined solely in whether the court's discretion was


abused. *Green v. Forney Engineering Co.*, 589 F.2d 243 (5th Cir. 1979); *Lopez v. Aransas County Independent School District*, 570 F.2d 541 (5th Cir. 1978).

By failing to provide the court with a correct address, plaintiff has prevented the court from communicating with him. He has therefore failed to diligently prosecute this case. As a result, this matter will be dismissed.

ORDER

For the reasons set forth above, the motion to dismiss (doc. no. 79) is **GRANTED**. An appropriate final judgment shall be entered.

SIGNED this the **18** day of **May, 2021**.


Thad Heartfield
United States District Judge